



U.S. Department of Justice

*United States Attorney  
Southern District of New York*

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

August 20, 2013

BY E-MAIL

The Honorable Jesse M. Furman  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2202  
New York, New York 10007



Re: United States v. Edwin Ting,  
13 Cr. 268 (JMF)

Dear Judge Furman:

Defendant Edwin Ting is scheduled to plead guilty to Count Twenty of the above-referenced Indictment on September 4, 2013 at 11:00 a.m. Pursuant to Your Honor's August 13, 2013 Order, the Government writes to advise the Court of the elements of the offense. Count Twenty charges the defendant with operating an illegal gambling business, in violation of 18 U.S.C. §§ 1955 and 2. The elements of that offense are as follows:

First, that the gambling business charged in the Indictment violated the laws of the State of New York;

Second, that the gambling business was in substantially continuous operation for a period in excess of thirty days (or had gross revenues of \$2,000 or more in any one day); and

Third, that five or more persons, including the defendant, knowingly conducted, financed, managed, supervised, directed, or owned the gambling business.

The "gambling business" referenced above is the operation of an illegal poker game, in violation of New York Penal Law § 225.05. The elements of that offense are as follows: The defendant knowingly advanced or profited from an unlawful gambling activity.

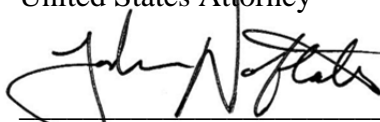
Pursuant to New York Penal Law § 225.00, the "unlawful gambling activity" referenced above is the operation of an illegal poker game. *See also United States v. DiCristina*, -- F.3d --, 2013 WL 3984970, at \*4 & n.5 (2d Cir. Aug. 6, 2013) ("New York State courts have

long held that poker contains a sufficient element of chance to constitute gambling under that state's laws.") (internal quotation marks omitted).

Respectfully submitted,

PREET BHARARA  
United States Attorney

By:

A handwritten signature in black ink, appearing to read "Joshua A. Naftalis", written over a horizontal line.

Joshua A. Naftalis  
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Assistant United States Attorneys  
(212) 637-2310 / 2305

cc: Eric Franz, Esq.